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Report of the Working Group on the Universal Periodic Review*

Niger

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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1. This addendum is submitted to the Working Group on the Universal Periodic Review with a view to the adoption of the final universal periodic review document for Niger by the Human Rights Council. Of the 168 recommendations made during the consideration of its national report to the second universal periodic review cycle on 18 January 2016, Niger accepted 164 recommendations, deferred 3 and took note of 1. This addendum gives the definitive responses of Niger on the three deferred recommendations and the recommendation which was noted, and provides supplementary responses to the questions from some States which were not adequately addressed during the interactive debate.

I. Responses to the deferred and noted recommendations

2. The three recommendations deferred by Niger have been divided into two categories:

- The two recommendations on pastoralism and nomadism;
- The recommendation on the activities of human rights defenders.

3. Having examined these recommendations, Niger provides the following responses in explanation of its position.

A. Responses to the two recommendations on pastoralism and nomadism

4. In the first recommendation on pastoralism (121.2), Niger was asked to adopt the implementing decrees of the ordinance on pastoralism, guaranteeing the protection of land rights.

5. It should be recalled that Niger adopted Ordinance No. 2010-29 of 20 May 2010 on pastoralism, which defines and outlines the basic principles and regulations governing pastoralism in Niger.

6. Niger has already adopted two implementing decrees: Decree No. 2013-003/PRN/MEL of 4 January 2013, which establishes the operating procedures of joint commissions responsible for conciliating disputes between arable and livestock farmers, and Decree No. 2013-028/PRN/MEL of 23 January 2013, which establishes the practical modalities for carrying out the national survey of pastoral lands and resources.

7. Niger attaches great importance to livestock farming, and intends to continue its efforts to strengthen the legislative framework on pastoralism. It will take all necessary steps to adopt the remaining implementing decrees of the ordinance on pastoralism, which guarantees the protection of land rights. Five draft decrees have already been prepared and are being considered for adoption.

8. **Niger thus accepts recommendation 121.2 on the adoption of the implementing decrees of the ordinance on pastoralism, guaranteeing the protection of land rights.**

9. The second recommendation on pastoralism (121.3) requested that Niger take concrete steps to effectively increase the protection of the rights of pastoralists.

10. Broadly speaking, the rights of nomadic groups are protected to the same extent as those of other groups in Niger, without distinction. Indeed, specific steps have been taken to ensure that nomads enjoy certain basic rights, such as the right to health and the right to education. In order to extend health coverage to nomadic populations living far away from health centres, the Government has introduced mobile activities. Discussions are also under way to define health coverage strategies tailored to nomadic areas.

11. In addition, in 2004 the Government implemented an alternative rural schools strategy to promote education for the children of nomadic groups. This innovation is essentially rooted in multigrade teaching at the primary level, with a view to improving access to education services for children in nomadic rural areas and remote communities. Alternative rural schools are integrated schools which link schooling to the needs of the community and improve the quality of education in rural settings. Pupils in alternative rural schools follow the same curricula as pupils in traditional schools.

12. Furthermore, to ensure protection of the rights of nomads that relate directly to livestock farming, the Government has over the past five years taken a number of steps to modernize livestock farming, shore up pastoral and agropastoral systems, manage the sanitary conditions of animals, develop animal products and strengthen capacity in livestock farming services.

13. With a view to modernizing livestock farming, several steps have been taken to improve the competitiveness of the pastoral system in Niger. A total of 1,917 cows have been inseminated, 344 modern farms and 47 poultry farms have received help with setting up, and 54,669 cleaning kits and 28,889 poultry kits have been distributed. Small family-run farms have also been renovated.

14. With regard to shoring up pastoral systems, efforts since 2011 have been concentrated on the demarcation of 12,103 kilometres of seasonal migration routes, the reclaiming of 29,973 hectares of pathways, the creation of 539 pastoral wells, and the renovation of 193 others.

15. For the development of animal products, 50 cattle markets have been constructed and 23 renovated, 3 semi-modern abattoirs, 5 medium-sized abattoirs and 44 slaughtering areas have been built, and a milk collection centre and 6 small dairies have been set up. These actions have significantly improved the livestock utilization rate, which rose from 10 per cent in 2011 to 20 per cent in 2015.

16. In order to make the sector more dynamic, the capacities of livestock farming services have been strengthened through the drafting of strategies (including the strategy and action plans for the sustainable development of livestock farming 2013-2035, and the human resources, communication and training strategies), the training and recruitment of personnel and the allocation of equipment and logistical support. Niger is committed to pursuing its efforts in this area.

17. **Niger accepts recommendation 121.3 on taking concrete steps to effectively increase the protection of the rights of pastoralists.**

B. Response to the recommendation on the activities of human rights defenders

18. Recommendation 121.1 on the activities of human rights defenders requests Niger to refrain from criminalizing the activities of human rights defenders, repeal or modify all laws and policies restricting their activities or rights, and guarantee that counter-terrorism legislation is not used against them.

19. The right to freedom of association is established in the Constitution, article 9 of which states that "in the framework of freedom of association recognized and guaranteed by the Constitution, political parties and coalitions, trade unions, non-governmental organizations and other associations and groups of associations may be set up and may conduct their activities freely, in accordance with existing laws and regulations".

20. Freedom of association is also regulated by Ordinance 84-06 of 1 March 1984, which guarantees the activities of human rights defenders. The sole restrictions are set out in article 2 of the Ordinance, which states: "Any association set up in pursuit of a cause or objective which runs counter to the legislation and regulations in force or to morals, or which aims to undermine public order, the integrity of national territory or the form of government, is null and void. Regional or ethnic associations are forbidden."

21. In practice, human rights defenders undertake their activities freely. Niger has chosen a participatory approach to all human rights issues, and does not criminalize the legitimate activities of human rights defenders. Human rights defenders spoke out about the worrying security situation following terrorist attacks in Niger. Two were arrested as a result of their position, which undermined the morale of the security and defence forces fighting on the ground, and because of the publication of a biased report which sought to discredit the Government's efforts to manage the humanitarian crisis triggered by insecurity in Diffa, in the south-east of the country.

22. Freedom of association is also evidenced by the proliferation of associations, non-governmental organizations (NGOs), trade unions and political parties. In 2015, there were 2,202 associations and 1,557 NGOs in Niger.

23. **Niger thus accepts recommendation 121.1 on the activities of human rights defenders.**

C. Response to the recommendation on indigenous peoples

24. Niger does not recognize the presence of indigenous groups within its territory. Consequently, **Niger reaffirms that it takes note of the recommendation on indigenous peoples**.

25. **Conclusion: Niger accepts all three of the recommendations which were deferred in January 2016.**

II. Supplementary responses to questions from some States during the interactive debate

A. How will Niger implement the law passed in May 2015 to combat human trafficking and smuggling, especially in the area of Agadez? In this regard, how will Niger improve the capacity of its security forces to protect migrants and refugees from smugglers? (Germany)

26. In 2015, Niger passed the Act on the illicit trafficking of migrants, in order to prevent and combat the illicit trafficking of migrants and to protect the rights of migrants who are trafficked. The Act was required on account of the geographical position of Niger, which makes it a source, transit and destination country for migrants, particularly in Agadez, and the need to strengthen the legal framework to combat this phenomenon.

27. The fight against illicit trafficking of migrants is coordinated by the National Coordination Commission to Combat Human Trafficking and the National Agency to Combat Human Trafficking. These two institutions are already operational, and collaborate closely with other national, regional and international bodies working in the area of trafficking.

28. Niger has also worked to strengthen the capacities of the security and defence forces in detecting and investigating trafficking, and providing assistance to victims, through the

National Agency to Combat Human Trafficking, with support from the International Organization for Migration.

B. Which concrete measures does the Government of Niger intend to take to ensure effective birth registration? (Spain)

29. To ensure effective birth registration, Niger has increased the number of civil registry offices from 3,365 in 2011 to 12,369 in 2015, and strengthened their capacities through the provision of vehicles, registration materials and other computer hardware. More than 13,691 civil registry officials and clerks have been trained in the past five years, which has made it possible for almost 3 million birth certificates to be issued.

30. In addition, mobile court hearings have been held in all regions, as a result of which 571,775 judgments were issued between 2011 and 2015. In order to improve the production of civil status certificates, awareness-raising sessions were organized, which helped to reach out to 8,762 administrative villages and tribes and a total number of 1,623,764 people.

31. These factors have combined to increase the number of birth registrations from 32 per cent in 2010 to 65 per cent in 2015.

C. Which measures does the Government of Niger intend to take to strengthen the implementation of legal instruments to combat child labour, including among child migrants? (Switzerland)

32. With a view to implementing legal instruments to combat child labour, in 2012 Niger revised its Labour Code through Act No. 2012-45 of 25 September 2012. The Act does not only deal with the worst forms of child labour, but also prohibits forced or compulsory labour. Under Article 337 of the Code, perpetrators of offences under provisions banning forced or compulsory labour are punished with a fine of between 500,000 and 2 million CFA francs, or a prison sentence of between 2 and 5 years, or both. For repeat offences, the fine is doubled and the prison sentence increases to between 10 and 15 years.

33. Child migrants are protected by the 2015 Act on the illicit trafficking of migrants.

34. In order to combat child labour, which really exists in Niger, the Government has set up a unit to combat child labour, and is drawing up a list of dangerous forms of work which children are banned from doing. It has also implemented a project to prevent and eradicate child labour in small-scale gold mines in West Africa, under the International Programme on the Elimination of Child Labour. Article 107 of the Labour Code of 2012 bans child labour.

D. What action is the Government of Niger taking to implement the recommendations made by the United Nations Special Rapporteur on contemporary forms of slavery following her 2014 country visit? (United Kingdom of Great Britain and Northern Ireland)

35. The Government has duly noted the recommendations of the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, and intends to reform the Criminal Code to criminalize slavery-related practices. It also intends to harmonize the provisions of the Labour Code with those of the International Labour Organization conventions.

E. Liechtenstein recognizes Niger's commitment to international criminal justice, as evidenced by its ratification of the Rome Statute of the International Criminal Court. What steps has Niger taken to ratify the Kampala Amendments to the Rome Statute? (Liechtenstein)

36. Niger ratified the Rome Statute of the International Criminal Court in 2002 and discussions are under way on the ratification of the Kampala Amendments.

III. Progress made since the examination of the report

37. The main progress achieved by Niger can be summed up as follows:

- The staging of presidential and legislative elections according to the schedule established;
- The establishment of all the institutions provided for under the Constitution;
- The revision of the Criminal Code and the Code of Criminal Procedure, with a view to making criminal legislation reforms more effective in suppressing certain crimes such as terrorism and related acts, as well as economic and financial crimes, particularly the misappropriation of public funds and insider dealing;
- The approval of a national strategy to fight corruption, which is being considered for adoption.

IV. Expectations of international assistance for the implementation of recommendations

38. The expectations of Niger are reflected in the following actions:

- Strengthening the capacities of the interministerial committee responsible for drafting the reports of Niger to the treaty bodies and the universal periodic review;
- The deployment of a human rights adviser by the Office of the United Nations High Commissioner for Human Rights to support the interministerial committee in the drafting of reports and in the follow-up to the recommendations of the universal periodic review.